

Patent Application: 10/668,335
Docket No: P18003US1

Remarks

Claims Rejections: 35 U.S.C. §102

Claims 1, 6-7 and 11-12 stand rejected under section 102 of 35 U.S.C. for being allegedly anticipated by Okuyama (US Patent US 2001/0005859 A1).

Applicants respectfully traverse and respectfully submit that in view of the technical disclosure of Okuyama, the Applicants' claimed invention is both new and non-obvious.

Applicants' claim 1 is directed to a method for sending a message notification to a recipient of a message, the method comprising the steps of:

- a) upon receipt of a message destined to a recipient at a first server, determining whether or not a notification is to be sent to the recipient for alerting of the presence of the message at the first server;
- b) based on a result of step a), selectively inserting in a copy of the message that is to be forwarded by the first server to a second server an indication representative of whether or not a notification has been sent to the recipient of the message; and
- c) transmitting the copy of the message with the indication from the first server to the second server.

Okuyama teaches a text messaging system for sending and receiving text messages among mobile phones and PCs connected via a network, according to sender and receiver connection status. A text message is sent, for example, from a mobile phone to a PC via a server. The PC is equipped with status detection means, which detect the PC's operational status, including a link state to a communication line of the PC, which is also notified to the server. The later, being informed of the connected status of the intended recipient of the text message (i.e. the PC), selectively sends the text message to the PC.

Okuyama further teaches variants of this method such as for example using particular conversions of the text message, into an e-mail message or a chat message, in instances where the server detects that such connections are available for delivery of the message content.

However, upon careful reading and analysis, it is apparent that Okuyama's disclosure fails to teach or suggest the invention of claim 1 as alleged in the outstanding Office action.

In the paragraphs 0113 - 0117 referred to in the outstanding Office action, Okuyama merely teaches that when a server receives a text message, a server's decision part refers to the operational status of the PC client (the intended message recipient) and determines a send mode that can allow for the successful delivery of the text message to the intended recipient. Such send mode may comprise for example a PC Internet application or a mobile phone of the intended recipient. A decision part of the server also sends the text message to a notification management part of the server to monitor the send result of the message. The notification management part of the server keeps the text message and informs the message sender if the intended recipient does not read the text message within a prescribed period of time or while the network application was active. A re-transmission of the full message to the intended recipient may also be performed in such circumstances.

Because Okuyama only teaches only one server that receives a message for delivery to an intended recipient, the server selecting the appropriate send mode for reaching the intended recipient and sending or resending the message to the recipient, it cannot be said that Okuyama anticipates the

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Applicants claimed invention wherein upon receipt of a message destined to a recipient at a first server, the later determines whether or not a notification is to be sent to the recipient for alerting of the presence of the message at the first server and based on this result, selectively inserting in a copy of the message that is to be forwarded by the first server to a second server an indication representative of whether or not a notification has been sent to the recipient of the message.

Okayama's Paragraph 0130 describes a message send window in a PC client, where a receiver of the text message can be selected, message content can be created, and an option for receiving a result (delivery or read) notification can be selected.

However, the Examiner's attention is drawn to the fact that while the concept of message delivery or message read notifications is widely utilized in the area of electronic mail, this concept has no relation whatsoever with the Applicants claimed invention. The above-described concept includes the sending of the complete message to a recipient, and upon the recipient's reception or reading of the message content, the return of a confirmation notification to the sender of the message. As opposed to this, in the Applicants invention of claim 1, the message is not sent to the recipient but rather exchanged between a first in the second server. Okayama's passage teaches returning to the sender a delivery confirmation upon full delivery of the message to the recipient. It fails to suggest that upon receipt of a message (destined to a recipient) at a first server, to determine whether or not a notification is to be sent to the recipient for alerting of the presence of the message at the first server. Thus, because Okayama's notification is a read receipt notification, Okayama fails to teach a notification alerting the intended message recipient of the availability of the message as claimed in claim 1.

This passage of Okayama teaches only sending from a sender to a recipient the full message, which transits via a unique server. Thus, it does not even address the possibility of transmitting the copy of the message with the indication from the first server to the second server as in the Applicants' claimed invention, as it further fails to suggest selectively inserting in a copy of the message that is to be forwarded by the first server to a second server an indication representative of whether or not the notification for alerting of the presence of the message at the first server has been sent to the recipient of the message.

Paragraphs 0027 and 0028 were also referred to by the Examiner in the outstanding Office action as allegedly anticipating the claimed invention.

Applicants respectfully traverse.

Upon careful analysis of these paragraphs, it is apparent that they are also limited to a description of a read notification sent from the intended recipient of a text message to the sender of the text message as it is widely known in the area of e-mail messaging. There is also taught that the server saves the text message in order to be able to resend it to the intended recipient if the later does not return the read notification. Paragraph 0028 provides an actual implementation example where a PC receives a text message and, when the user reads the message and deletes the message, an "already-read notification" is returned to the server. Upon receipt of the "already-read notification", the saved text message is deleted. Alternatively, if such notification is not received the saved text message is forwarded a mobile terminal associated with the same user of the PC.

Again, the teaching of Okayama is limited to a retransmission of the original text message to a different terminal of the same intended recipient user. The "already-read notification" referred to by Okayama merely consists in a notification sent from the message recipient back to the messaging server upon a reading of the message by the intended recipient. Therefore, it cannot be said that Okayama

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anticipates the Applicants claimed invention where the message is received first by a first server, which upon receipt of the message destined to a recipient, determines whether or not a notification is to be sent to the recipient for alerting of the presence of the message at the first server, and based on a result of the determination, selectively inserts in a copy of the message that is to be forwarded by the first server to a second server an indication representative of whether or not a notification has been sent to the recipient of the message.

For all these reasons, the cited passages of Okuyama, as well as his entire disclosure, totally fail to teach or suggest the Applicants' invention of claim 1. As a consequence, Applicants respectfully submit that the outstanding rejection based on 35 U.S.C §102 is defective and should be withdrawn.

Therefore, Applicants respectfully submit that claim 1 is novel and nonobvious, and thus patentable over the teaching of Okuyama. Claims 2-6 are directly or ultimately dependent of claim 1, and since they merely add further limitations and clarifications thereto, they are believed to be patentable as well.

Claim 7 is an independent claim having limitations similar to those of claim 1, and is therefore submitted as being patentable for the same reasons. Claims 8-11 are dependent of claim 7, and since they merely add further limitations and clarifications thereto, they are believed to be patentable as well.

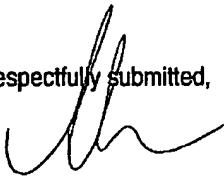
Finally, claim 12 is another independent claim with limitations similar to those of claim 1, and is therefore submitted as being patentable too, while claims 13-17 depend on claim 12 and because they only adds further limitations and clarifications, they are submitted as being patentable as well.

Conclusion

All pending claims 1-17 are herein submitted as being in favorable condition for allowance.

In the Examiner finds out that a prosecution of the present invention would be facilitated by telephone interview, the Examiner is invited to contact the undersigned, Alex Nicolaescu, at telephone number (514) 345- 7900 extension number 2596.

Respectfully submitted,



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